

MILSTEIN | ADELMAN, LLP

SARA D. AVILA, State Bar No. 263213

savila@milsteinadelman.com

2800 Donald Douglas Loop North

Santa Monica, California 90405

Telephone (310) 396-9600

Facsimile (310) 396-9635

WHATLEY DRAKE & KALLAS, LLC

Joe R. Whatley, Jr. (*pro hac vice* pending, NY Bar No.4406088)

jwhatley@wdklaw.com

Edith M. Kallas (*pro hac vice* pending, NY Bar No. 2200434)

ekallas@wdklaw.com

Patrick J. Sheehan (*pro hac vice* pending, NY Bar No. 3016060)

psheehan@wdklaw.com

1540 Broadway, 37th Floor

New York, New York 10036

Tel: (212) 447-7070

Fax: (212) 447-7077

Attorneys for Plaintiff

Additional Counsel Listed on Signature Page

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA – SAN JOSE DIVISION**

NATHAN NABORS, Individually and on)
behalf of all others similarly situated,)

Plaintiff,

v.)

GOOGLE, INC., a Delaware corporation;)

Defendants

5:10-cv-03897-JW (Hon. James Ware)

**PARTIES' STIPULATION AND
[PROPOSED] ORDER CONTINUING
THE HEARING DATE OF
DEFENDANT'S MOTION TO
DISMISS [N.D. CAL. L.R. 7-7(b)]**

Current Hearing Date: April 25, 2011
Proposed Hearing Date: May 2, 2011

Pursuant to Civil Local Rule 7-7(b), the parties stipulate to a continuance of the hearing date on Defendant Google Inc. ("Defendant") Motion to Dismiss Plaintiff's First Amended Complaint.

WHEREAS, the hearing is currently set for April 25, 2011;

WHEREAS, an opposition has been filed to Defendants' Motion to Dismiss;

PARTIES' STIPULATION AND [PROPOSED] ORDER CONTINUING THE HEARING DATE OF DEFENDANT'S MOTION TO
DISMISS [N.D. CAL. L.R. 7-7(b)]

5:10-cv-03897-JW

1 WHEREAS, the parties affected by the motion have not previously stipulated to continue
2 the hearing date;

3 WHEREAS, Plaintiff requested a continuance of the hearing date because, unless the
4 hearing is rescheduled, they must travel by airplane to San Jose on Easter Sunday to attend the
5 hearing scheduled for Monday, April 24, 2011 at 9:00am;

6 WHEREAS, Defendants have agreed, subject to this Court's approval, to continue the
7 hearing date to May 2, 2011 at 9:00am, or any date on or after June 6, 2011 at 9:00am, that is
8 convenient for the Court. Counsel is unavailable May 9, 2011 through May 30.

9 WHEREAS, this extension will alter a time frame set by the local rules of this Court and
10 therefore requires a Court order for such an extension;

11 NOW THEREFORE, Plaintiff and Defendants, through their counsel of record, and
12 subject to this Court's approval, stipulate to the following: The April 25, 2011 hearing on
13 Defendant's Motion to Dismiss shall be continued to May 2, 2011 at 9:00 am, or any date on or
14 after June 6, 2011, that is convenient to the Court.

1 DATED: April 15, 2011

MILSTEIN ADELMAN, LLP

2
3 By: /s/ Sara Avila
SARA AVILA

4 Attorneys for Plaintiff
5 MARY MCKINNEY

6 DATED: April 15, 2011

WHATLEY DRAKE & KALLAS, LLC

7
8 By: /s/ Adam Plant
9 ADAM PLANT

10 Attorneys for Plaintiff
11 MARY MCKINNEY

12 DATED: April 15, 2011

DECHERT LLP

13
14 By: /s/ Matthew L. Larrabee
15 MATTHEW LARRABEE

16 Attorneys for Defendant
17 GOOGLE INC.

ORDER

PURSUANT TO STIPULATION, the hearing on Defendants' Motion to Dismiss Plaintiff's
Second Amended Complaint is continued to May 2, 2011 at 9:00 AM.

IT IS SO ORDERED.

Date: April 21, 2011


HON. JAMES WARE, U.S. DISTRICT COURT

CERTIFICATION

I, Sara D. Avila, am the ECF User whose identification and password are being
used to file this STIPULATION AND [PROPOSED] ORDER. In compliance with General Order
45.X.B., I hereby attest that France Jaffe and Rosemarie Ring concurred in this filing.

DATED: April 13, 2011

Attorney for Plaintiff Mary McKinney and the
Proposed Class

By: /s/ Sara D. Avila
MILSTEIN ADELMAN, LLP
Gillian L. Wade
Sara D. Avila

WHATLEY DRAKE & KALLAS, LLC
Joe R. Whatley, Jr.
Edith M. Kallas
Patrick J. Sheehan

LAW OFFICE OF HOWARD
RUBINSTEIN
Howard Rubinstein
howardr@pdq.net
914 Waters Avenue, Suite 20
Aspen, Colorado 81611
Tel: (832) 715-2788

SMITH & VANTURE, LLP
Brian W. Smith
bws@smithvanture.com

1615 Forum Place, Suite 4C
West Palm Beach, Florida 33401
Tel: (800) 443-4529
Fax: (561) 688-0630

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